

Trucker ♦ Huss  
A Professional Corporation  
One Embarcadero Center, 12<sup>th</sup> Floor  
San Francisco, California 94111

R. Bradford Huss, SBN 71303  
Angel L. Garrett, SBN 255682  
Dylan D. Rudolph, SBN 278707  
TRUCKER ♦ HUSS  
A Professional Corporation  
One Embarcadero Center, 12th Floor  
San Francisco, California 94111  
Telephone: (415) 788-3111  
Facsimile: (415) 421-2017  
E-mail: bhuss@truckerhuss.com  
agarrett@truckerhuss.com  
drudolph@truckerhuss.com

Joseph C. Faucher, SBN 137353  
TRUCKER ♦ HUSS  
A Professional Corporation  
633 W. 5th Street, 26th Floor  
Los Angeles, California 90071  
Telephone: (213) 537-1016  
Facsimile: (213) 537-1020  
E-mail: jfaucher@truckerhuss.com

Attorneys for Defendants  
SAFEWAY INC. and SAFEWAY BENEFIT PLANS  
COMMITTEE

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO

MARIA KARLA TERRAZA, individually and  
on behalf of the SAFEWAY 401(k) Plan,

Plaintiff,

vs.

SAFEWAY INC., BENEFIT PLANS  
COMMITTEE SAFEWAY INC.,  
and DOES 1 to 100 inclusive,

Defendants.

Case No. 3:16-cv-03994-JST

**STIPULATION TO EXTEND TIME FOR  
DEFENDANTS TO RESPOND TO  
PLAINTIFF'S AMENDED COMPLAINT**

Pursuant to Federal Rule of Civil Procedure 12, and Local Rule 6-1(a), Defendants SAFEWAY INC. and SAFEWAY BENEFIT PLANS COMMITTEE (collectively, “Defendants”) and Plaintiff MARLA KARLA TERRAZA (“Plaintiff”) (Plaintiff and Defendants collectively referred to as the “Parties”) hereby stipulate, by and through their respective counsel, to extend the time by which Defendants have to respond to Plaintiff’s amended complaint (“Amended Complaint”) and, in support thereof, state as follows:

WHEREAS, Plaintiff’s Amended Complaint was filed on November 18, 2016 (Docket No. 37);

WHEREAS, Defendants filed a motion to dismiss Plaintiff’s Amended Complaint on January 5, 2017 (Docket No. 46);

WHEREAS, the Court denied Defendants’ motion to dismiss Plaintiff’s Amended Complaint by order dated March 13, 2017 (Docket No. 65);

WHEREAS, Plaintiff’s counsel informed the Court and Defendants at the March 15, 2017 scheduling conference that Plaintiff intends to seek a stipulation to file a Second Amended Complaint, and if said stipulation cannot be agreed upon, Plaintiff intends to file a motion for leave to file a Second Amended Complaint;

WHEREAS, at the March 15, 2017 case management conference, the Court set a deadline to add parties or amend the pleadings by March 31, 2017 (Docket No. 67);

WHEREAS, pursuant to Federal Rule of Civil Procedure 12(a)(4)(A), Defendants’ deadline to respond to Plaintiff’s Amended Complaint is currently March 27, 2017;

WHEREAS, Defendants’ response to Plaintiff’s Amended Complaint will necessarily be affected by amendment to Plaintiff’s Amended Complaint;

WHEREAS, this stipulation regarding an extension for Defendants to respond to Plaintiff’s Amended Complaint will not alter any dates set by the Court;

NOW, THEREFORE, the Parties hereby stipulate and agree as follows:

1. Should the Parties stipulate to allow Plaintiff to further amend her Amended Complaint, or if Plaintiff is granted leave to further amend her Amended Complaint pursuant to a motion for leave, Defendants’ deadline to respond to Plaintiff’s Second

Trucker ♦ Huss  
A Professional Corporation  
One Embarcadero Center, 12<sup>th</sup> Floor  
San Francisco, California 94111

Amended Complaint shall be extended to twenty-one (21) days after Plaintiff's Second Amended Complaint is filed.

2. Should the Court deny any motion for leave filed by Plaintiff to further amend her Amended Complaint, Defendants' deadline to respond to Plaintiff's Amended Complaint shall be extended to twenty-one (21) days after the Parties receive notice of the Court's order denying said motion.

IT IS SO STIPULATED.

DATED: March 17, 2017

TRUCKER ♦ HUSS

By: /s/ R. Bradford Huss  
R. Bradford Huss  
Attorneys for Defendants  
SAFEWAY INC. and SAFEWAY BENEFIT  
PLANS COMMITTEE

DATED: March 17, 2017

SHEPHERD, FINKELMAN, MILLER & SHAH, LLP

By: /s/ James E. Miller  
James E. Miller  
Attorneys for Plaintiff  
MARIA KARLA TERRAZA, individually and on  
behalf of the SAFEWAY 401(K) PLAN

I attest that my firm has obtained James E. Miller's concurrence in the filing of this document.

DATED: March 17, 2017

TRUCKER ♦ HUSS

By: /s/ R. Bradford Huss  
R. Bradford Huss  
Attorneys for Defendants  
SAFEWAY INC. and BENEFIT PLANS  
COMMITTEE SAFEWAY INC.

**[PROPOSED] ORDER**

Should the Parties stipulate to allow Plaintiff to further amend her Amended Complaint, or if Plaintiff is granted leave to further amend her Amended Complaint pursuant to a motion for leave, Defendants' deadline to respond to Plaintiff's Second Amended Complaint shall be extended to twenty-one (21) days after Plaintiff's Second Amended Complaint is filed.

Should the Court deny any motion for leave filed by Plaintiff to further amend her Amended Complaint, Defendants' deadline to respond to Plaintiff's Amended Complaint shall be extended to twenty-one (21) days after the Parties receive notice of the Court's order denying said motion.

**IT IS SO ORDERED.**

DATED: March 20, 2017

  
Hon. Jon S. Tigar  
United States District